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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,327	10/31/2003	Edward Alan Clark	LUC-427/Clark 9	9809
32295 7590 12/16/2008 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602				
EXAMINER NGUYEN, QUYNH H				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,327

**Applicant(s)**

CLARK, EDWARD ALAN

**Examiner**

QUYNH H. NGUYEN

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE and amendment filed 10/22/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 101***

2. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 20 recites "A computer-readable medium having computer executable instructions for performing steps". While Applicant' specification page 20 stated a recordable data storage medium such as one or more electrical, biological, and atomic data storage medium. Furthermore, claim 20 recites "means in the one or more media...", while the specification [0012] discloses means in the one or more computer-readable signal-bearing media. Therefore, since the claimed recordable data storage medium are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101. Please more specific in the claims to exclude the electrical, biological, and atomic data storage medium and signal bearing media.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 recites the limitation "the conference bridge" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between a conference bridge and other claimed elements (user-related application server, telephony devices, etc.) is unclear. Similarly, claims 17 and 20 have the same defects.

#### ***Claim Rejections - 35 USC § 103***

4. Claims 1-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benedyk et al. (2005/0033684) in view of Reding et al. (2006/0177034).

As to claim 1, Benedyk et al. teaches a network (Fig. 1) comprising: An intermediate application server component (Fig. 1, 108) that provides one or more services (page 1, [0005]) to one or more telephony devices (Fig. 1, 106) on a call through employment of one or more data streams associated with the call (Fig. 1, 104; page 2, [0016] - [0019]); one or more user-related application server components coupled to the intermediate application server component to establish the one or more data streams (page 2, [0016] - [0017]).

Benedyk does not teach a conference bridge component coupled to the intermediate application server component.

Reding teaches a conference bridge component (Fig. 6, conference bridge 630) coupled to the intermediate application server component (Fig. 6; [0088] -[0091] - *where Reding discussed back end server 620 that provides one or more services through service center 606 to one or more telephony devices such as user terminal 612, in which computing systems that interface service center and voice data network that include user related application server such as conference blasting application to establish conference call processes*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Reding into the teachings of Benedyk for the purpose of having a more efficient system and providing telecommunication services associated with one or more calls during a conference call process, as discussed by Reding ([0092]).

As to claim 2, Benedyk et al. teaches the network of claim 1, wherein the intermediate application server component provides the one or more services to the one or more user-related application server components through employment of the one or more data streams (page 2, [0017] - [0018]).

As to claim 3, Benedyk et al. teaches the network of claim 2, wherein the one or more user-related application server components cooperate with the one or more telephony devices to establish one or more web portals (page 2, [0017] - [0018] - *Internet is a web portal*) that are employable by the intermediate application server (Fig.

1, 108) and the one or more user-related application server components to provide the one or more services to the one or more telephony devices (page 2, [0017] - [0018], [0037] - [0039]).

As to claims 4, 14 and 18, Benedyk et al. teaches the network of claim 3, wherein the intermediate application server component and the one or more user-related application server components provide one or more interfaces associated with the one or more services to the one or more telephony devices through employment of the one or more web portals for employment by the one or more telephony devices in interaction with the one or more services (page 2, [0017] - [0018]).

As to claim 5, Benedyk et al. teaches the network of claim 4, wherein the intermediate application server component cooperates with the one or more telephony devices to establish the call; wherein the intermediate application server component alters the call based on the interaction with the one or more services (page 2, [0018] - [0019]).

As to claims 6 and 19, Benedyk et al. teaches the network of claim 4, wherein the intermediate application server component alters one or more of the one or more interfaces based on the employment of the one or more services (page 2, [0018] - [0019]); wherein the intermediate application server component and the one or more user-related application server components cooperate to update the one or more of the one or more interfaces through employment of the one or more data streams (page 2, [0019] - [0020]).

Claims 7 and 8 are rejected for the same reasons as discussed above with respect to claims 4 and 6. Furthermore, Benedyk et al. teaches a first telephony device (Fig. 1, 106) and a second telephony device (Fig. 2, 102).

As to claim 9, Benedyk et al. teaches the network of claim 4, wherein the intermediate application server component and the one or more user-related application server components provide the one or more graphical user interfaces that are employable by the one or more telephony devices (page 4, [0033] - *the purchase price and the store/sales displayed to the subscriber on a display screen associated with PoS device 125*).

As to claim 10, Benedyk et al. teaches the network of claim 9, wherein the intermediate application server component employ the extended Markup Language interfaces (page 5, [0039]) to provide the one or more graphical user interfaces.

As to claim 11, Benedyk et al. teaches the network of claim 3, wherein the intermediate application server component and the one or more user-related application server component employ the HTTP to provide the one or more web portals to the one or more telephony devices (page5, [0039]).

As to claim 12, Benedyk et al. teaches the network of claim 1 further comprising: an intermediate switch component (102, 104); wherein the intermediate switch component and the one or more telephony devices cooperate to establish the call (page 4, [0035]); wherein the intermediate switch component communicates with the intermediate application server component to establish the one or more data streams associated with the call (page 5, [0039]).

As to claim 13, Benedyk et al. teaches the network of claim 12, wherein the intermediate application server component associates the one or more services with the call and communicates with the intermediate switch component to update the one or more voice portions of the call based on the one or more services ([0036] - [0037]).

As to claim 17, Benedyk et al. teaches a method comprising: providing, by one or more portions of an intermediate network, one or more services (page 1, [0005]) to one or more telephony devices (Fig. 1, 106) on a call through employment of one or more data streams associated with the call (Fig. 1, 104; page 2, [0016] - [0019]; page 4, [0035]).

Benedyk does not teach a conference bridge component coupled to the intermediate application server component.

Reding teaches a conference bridge component (Fig. 6, conference bridge 630) coupled to the intermediate application server component (Fig. 6; [0088] - [0091] - *where Reding discussed back end server 620 that provides one or more services through service center 606 to one or more telephony devices such as user terminal 612, in which computing systems that interface service center and voice data network that include user related application server such as conference blasting application to establish conference call processes*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Reding into the teachings of Benedyk for the purpose of having a more efficient system and providing



telecommunication services associated with one or more calls during a conference call process, as discussed by Reding ([0092]).

As to claim 20, Benedyk et al. teaches a computer readable medium having computer executable instructions for performing steps comprising: means in the one or more media for providing, by one or more portions of an intermediate network, one or more services (page 1, [0005]) to one or more telephony devices (Fig. 1, 106) on a call through employment of one or more data streams associated with the call (Fig. 1, 104; page 2, [0016] - [0019]; pages 4 and 5, [0035] - [0037]).

Benedyk does not teach a conference bridge component coupled to the intermediate application server component.

Reding teaches a conference bridge component (Fig. 6, conference bridge 630) coupled to the intermediate application server component (Fig. 6; [0088] -[0091] - *where Reding discussed back end server 620 that provides one or more services through service center 606 to one or more telephony devices such as user terminal 612, in which computing systems that interface service center and voice data network that include user related application server such as conference blasting application to establish conference call processes*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Reding into the teachings of Benedyk for the purpose of having a more efficient system and providing telecommunication services associated with one or more calls during a conference call process, as discussed by Reding ([0092]).

***Allowable Subject Matter***

5. Claim 16 is allowed.

Claim 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Quynh H Nguyen/

Primary Examiner, Art Unit 2614